

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

GOLDMANN, Helmut

International Application No. PCT/EP2004/005162

Serial No. 10/521,455 ✓

International Filing Date: 14 May 2004 (14.May.2004)

Filed: January 14, 2005

For: **IMPLANT WITH ANTIBIOTIC LONG-TERM ACTION**

TRANSMITTAL LETTER

Commissioner of Patents
P.O. Box 1450
Alexandria, Va 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- (1) Transmittal Letter;
- (2) Information Disclosure Statement;
- (3) PTO Form 1449 with 25 references;
- (4) Copies of 15 cited references;
- (5) International Search Report dated 16 August 2004;
- (6) German Search Report dated 06 February 2004.

The Commissioner is hereby authorized to charge any deficiency or credit any excess to Deposit Account No. 14-0112.

Respectfully submitted,

NATH & ASSOCIATES PLLC

By: _____

Gary M. Nath
Registration No. 26,965
Tanya E. Harkins
Registration No. 52,993
Customer No. 20529

Date: April 13, 2005
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An Information Disclosure Statement is submitted herewith pursuant to 37 C.F.R. § 1.97-1.98. Please note the following particulars:

[NOTE: One only of items a, b, c, and d must be checked.]

[X] a. The enclosed statement is being filed within three months of the filing date of a national application, or within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application, or before the mailing date of a first Office Action on the merits, whichever event occurs last.

[] b. The enclosed statement is being filed after a first action on the merits but before the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311.

The enclosed statement is accompanied by [check one]:

[] i. a certification in part (e) below as specified in 37 C.F.R. § 1.97(e), or

[] ii. a check in the amount required by 37 C.F.R. § 1.17(p).

[] c. The enclosed statement is being filed after the mailing date of a final action under 37 C.F.R. § 1.113, or a notice of allowance under 37 C.F.R. § 1.311, but before payment of the issue fee.

[] Certification report(e) below; and

[] a check in the amount as required by § 1.17(p).

[] d. The enclosed statement is being filed pursuant to 37 C.F.R. § 1.97(i), for placement in the file.

☐ e. Certification [Check one] [Certification is required only if box (b) or box (c) is checked.]

☐ I hereby certify that each item of information contained in the enclosed Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement,

or

☐ I hereby certify that no item of information in the enclosed Information Disclosure Statement herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

or

☐ Appropriate certification is attached.

☒ f. If no check is enclosed and a fee is due in connection with this communication or if the check enclosed is insufficient, the Commissioner is authorized to charge any fee or additional fee due in connection with this communication to Deposit Account No. 14-0112.

☒ g. Copies of the documents are attached herewith with a completed Form PTO-1449.

or

☒ Copies of the documents are not attached as allowed under CFR 1.98(d)(1)(2). The earlier application is identified as:
or Copies of US Patents/Publications not attached as allowed in Official Gazette Aug. 5, 2003/ Vol. 1273, no. 1.

The Examiner is respectfully requested to cite the documents listed on the attached Form PTO-1449 in the next Office Action. In so doing, the Examiner is respectfully requested to initial in the space adjacent to the listing of each document on the Form PTO-1449, and return a copy of the initialed Form PTO-1449 with the next communication to Applicants, to confirm that these documents have been considered by the Examiner and made of record in this application.

If the Examiner has any questions or wishes to discuss this application, kindly telephone the undersigned at the below-listed number.

Respectfully submitted,
NATH & ASSOCIATES PLLC

By: 

Gary M. Nath
Registration No. 26,965
Tanya E. Harkins
Registration No. 52,993
Customer No. 20529

Date: April 13, 2005

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FORM PTO-1449

INFORMATION DISCLOSURE CITATIONAtty Docket
26569USerial No.
10/521,455Applicant
GOLDMANN, HelmutFiling Date
January 14, 2005Group Art Unit
Not Yet Assigned**U.S. PATENT DOCUMENTS**

Examiner Initial		Document Number	Issue Date	Name	Class	Sub-Class	Filing Date
	AA	4,054,139	10.18.77	Crossley			11.20.75
	AB	US 2003/0049300 A1 (parallel to 6,716,895 & US 2004/116551)	03.13.03	Terry			08.05.02
	AC	US 2003/0050689 A1	03.13.03	Matson			10.17.01
	AD	6,530,951	03.11.03	Bates et al.			10.23.97
	AE	6,296,863	10.02.01	Trogolo et al.			11.23.98
	AF	5,492,763	02.20.96	Barry et al.			02.10.94
	AG	5,464,438	11.07.95	Menaker			05.03.93
	AH	6,120,532	09.19.00	Goldfarb			07.24.92
	AI	5,919,223	07.06.99	Goldfarb			06.07.95
	AJ	5,632,779	05.27.97	Davidson			06.06.95

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Sub-Class	Translation
	AK	WO 03/047636 A2	12.06.03	WIPO			N/A
	AL	WO 01/43788 A2	21.06.01	WIPO			N/A
	AM	WO 00/51659	08.09.00	WIPO			N/A
	AN	WO 03/011250 A1 (erroneously stated as WO 011250 in search report)	13.02.03	WIPO			N/A
	AO	DE 4344306 A1	30.06.94	DE			ABSTRACT
	AP	DE 68905939 T2	05.19.93	DE			ABSTRACT
	AQ	DE 19718430 A1	14.01.99	DE			ABSTRACT
	AR	DE 10107675 A1	05.09.02	DE			ABSTRACT
	AS	DE 3228849 A1	09.02.84	DE			ABSTRACT
	AT	DE 20020649 U1	16.05.02	DE			ABSTRACT
	AU	EP 0633 032 A1	11.01.95	EP			N/A
	AV	WO 00/32247	08.06.00	WIPO			N/A
	AW	WO 81/02667	01.10.81	WIPO			N/A
	AX	WO 93/07924 (corrected version)	29.04.93	WIPO			N/A

Examiner

Date Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP § 609.
 Draw line through citation if not in conformance and not considered.
 Include copy of this form with next communication to Applicant.

<p align="center">FORM PTO-1449</p> <p align="center"><u>INFORMATION DISCLOSURE CITATION</u></p>		Atty Do 26569U	Serial No. 10/521,455
		Applicant GOLDMANN, Helmut	
		Filing Date January 14, 2005	Group Art Unit Not Yet Assigned
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AY	Chu, C.C. "Newly made antibacterial braided nylon sutures. I. <i>In vitro</i> qualitative and <i>in vivo</i> preliminary biocompatibility study", <u>Journal of Biomedical Materials Research</u> , vol.21 pp.1281-3000, 1987.	
Examiner		Date Considered	
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP ' 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.			